

Proposed Changes to the NR 700 Rule Series

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General Information

- Work on changes to the NR 700 Rule Series has been on-going for approximately 3 years.
- Revisions are being proposed to 22 separate rules, this presentation will cover 8.
- Primary focus will be on Soil Cleanup Standards and Case Closure.
- The draft rules along with other supporting documents are available on our web page.

NR 700 – General Requirements

- Added definitions on “vapor action level” and “vapor risk screening level”.
 1. Using a 10^{-5} cancer risk action level or a hazard index of 1 for non-carcinogens.
 2. Screening levels will be based on EPA attenuation factors.
- Removing the “Simple Site Process”.
- Requiring semi-annual progress reports for all open sites.

NR 716 – Site Investigation

- Deadlines added for beginning work and submitting documents in order to keep projects moving forward.
- Require better definition of the source areas.
- Additional details on reporting sampling results, especially to property owners.

NR 718 – Management of Contaminated Soil or Solid Waste Excavated During Response Actions

- Sections 718.11, 718.13, and 718.14 are being consolidated into 1 new section .
- NR 718.12(1) covers those situations where DNR approval is not needed.
- NR 718.12(2) specifies the criteria that need to be met when contaminated soil is managed as part of a remedial action or interim measure.

NR 720 Soil Cleanup Standards - Proposed Changes

- Removing Tables 1 & 2.
- Removing the GRO and DRO standards.
- Allowing the Enforcement Standard rather than the Preventive Action Limit when calculating soil standards protective of groundwater.

NR 720 Changes (cont.)

- The actual land use (and not the expected use) will determine the appropriate land use classification.
- Language has been included to indicate that averaging soil sampling results may be appropriate.
- The default exposure assumptions have been modified to be consistent with EPA's new web based calculator.

NR 720 Changes (cont.)

- DNR has developed draft guidance on using the new EPA web calculator.
- Also developed a spreadsheet which presents individual soil cleanup values using updated default exposure assumptions.
- When site data are entered, the spreadsheet will identify if either individual or cumulative risk levels are exceeded.

NR 722 – Standards for Selecting Remedial Actions

- Requiring the long-term sustainability of the remedy to be assessed.
- Including a provision that clarifies our authority to require the vapor intrusion pathway be addressed.
- Adding a section that indicates land use controls can be required when approving a remedial action.

NR 726 – Case Closure

- Breaking NR 726.05 (requests for case closure) into smaller sections based on topic.
- Creating 2 new rules:
 - NR 725 to cover pre-closure notifications requirements, and
 - NR 727 covers post-closure requirements.
- Incorporated the provisions of s. 292.12, Stats. by removing references to deed restrictions.

NR 726 – Case Closure

- Several new provisions to address sites with vapor intrusion issues. DNR may require:
 - The installation of a vapor mitigation system.
 - Notification if the specific exposure assumptions relied on for closure change in the future.
 - Installation of building control technologies or further assessment if the potential for vapor intrusion exists on property where no building is present at the time of closure.

NR 746 – Risk Screening and Closure Criteria for Petroleum Contaminated Sites

- Removing the technical language from the rule because high risk sites (DNR Lead) typically don't qualify for closure under ch. NR 746.
- Also removing Appendix A on the use of Statistical Tests for determining the effectiveness of natural attenuation.
- The responsibilities of DNR and the Department of Safety and Professional Services would be retained.

NR 749 - Fees

- Fees have not been raised since Sept. 1998.
- Proposing an across-the-board increase of 40%, which represents about 2.5% per year.
- Added a provision giving RP's the option to pay an hourly fee for work specified in negotiated agreements.
- Reorganized the fee table by the type of assistance being requested.

NR 700 Rule Revisions – Completed Activities

- Received approval from the Natural Resources Board (NRB) to hold public hearings – January, 2012.
- Completed an Economic Impact Analysis (EIA) in conjunction with our external advisory committees – February, 2012.
- Submitted the draft rule and the EIA to the Legislative Council – March, 2012.

NR 700 Rule Revisions - Schedule

- Conduct public hearings – May, 2012.
- Request authorization from the NRB to finalize the rule – October, 2012.
- Legislative review – May, 2013.
- Rule effective – September, 2013.

Questions?

